

## REMARKS

In the application claims 1-15 remain pending. Claims 16-22 have been canceled without prejudice and will be pursued in a continuation application.

No claims presently stand allowed. The reconsideration of the rejection of the claims is, however, respectfully requested.

In the Office Action, pending claims 1-15 were rejected under 35 U.S.C. § 103 as being rendered obvious by Roddy (U.S. Publication No. 2003/0055666) alone (e.g., claim 1) or as being rendered obvious by Roddy as modified by Yang (U.S. Publication No. 2001/0034673). In response to this rejection it is respectfully submitted that neither Roddy nor Yang (whether considered alone or in combination) disclose, teach, or suggest the elements set forth in the claims when the claims are considered “as a whole,” i.e., considering each and every word. For this reason it is respectfully submitted that the rejection under 35 U.S.C. § 103 must be withdrawn.

Turning now to Roddy, it is respectfully submitted that Roddy simply fails to disclose, teach, or suggest the invention set forth in the claims at issue. More particularly, Roddy simply fails to disclose, teach, or suggest a system in which a customer agent server in communication with a customer maintenance system extracts from a work order in a customer information maintenance system information which identifies at least items expected to be used during a repair procedure to create an advance demand notice order for those items and which then uses a distributor system, which responds to the receipt of the advance demand notice, to initiate a staging of the items [specified in the work order] within the supply chain. For this reason the rejection of the claims must be withdrawn.

As discussed previously, Roddy discloses a system in which vehicle system operating parameters are monitored and transferred to a data center (18). The data center (18) examines the operating parameters to determine if there exists a critical fault or an anomaly in the vehicle system being monitored. If a critical fault or anomaly is detected, the data center (18) develops a service recommendation and the service recommendation may be uploaded to an Internet web page. A user, e.g., service technician, may be notified that the service recommendation has been uploaded to the Internet web page by means of an email message, telephone call, fax, or other form of communication. In this manner, a user may begin preparations for a repair activity prior to the vehicle arriving at a repair facility.

From the foregoing, it will be appreciated that the system disclosed within Roddy is materially different than the system set forth in the claims at issue. For example, the data center (18) of Roddy does not function to extract information from a work order entered into a customer maintenance system (i.e., to withdraw, pull or take out by means of an action *initiated by the data center*), where the work order includes information that identifies a piece of equipment to be repaired and one or more items expected to be used during a repair procedure, to thereby create an advance demand notice for the items. Rather, the data center (18) of Roddy receives data that is forwarded to the data center (18) by a monitoring system onboard a mobile asset (i.e., the monitoring system calls the diagnostic service center and reports nothing more than the operating parameters of the mobile asset). Using the data sent by the onboard monitoring system, the data center (18) may generate a work order, i.e., a service recommendation, if one or more of the operating parameters is out of range. (para. 0086). As such, it will be readily appreciated that the onboard monitoring system of Roddy simply fails to include a work order from which information may be extracted and the data center (18) of Roddy (which generates the work order

in the first instance) simply fails to extract any information from the onboard monitoring system, let alone from a work order that the onboard monitoring system fails to include. Accordingly, it cannot be said that Roddy discloses all of the elements associated with the claimed “customer agent server” and, for at least this reason, the rejection of the claims must be withdrawn.

Even assuming that the data center (18) of Roddy functions to extract information from a work order to create an advance demand notice for items specified within the work order, which it does not, it is noted that no system within Roddy functions to respond to the receipt of an advance demand notice (or even the work order generated by the data center (18)) to initiate a staging of items within a supply chain to meet an expected use of the items during a repair procedure. Rather, the work order generated by the data center (18) of Roddy is uploaded to an Internet web page for viewing and action by a service technician. Instead of disclosing a distributor system which functions to cause a staging of items within a supply chain in response to receipt of an advance demand notice, in the system of Roddy a service technician is responsible for: a) manually retrieving the work order created and uploaded by the data center; b) manually reviewing the work order created and uploaded by the data center (18) and; c) manually initiating the movement of items to a service location for use in the repair procedure, i.e., team members gather or reserve the parts. (para 0087). Thus, no system of Roddy can be said to meet all of the elements associated with the claimed “distribution center” and, for at least this reason, the rejection of the claims must be withdrawn.

As concerns the “official notice” that the use of intelligent agents is well established and well known, it is submitted that the mere fact that intelligent agents have existed in the past does not disclose, teach, or suggest modifying Roddy to include those claim elements that are missing from Roddy. A rejection under 35 U.S.C. § 103 requires that all of the elements claimed be

disclosed in one or more references. Since the mere existence of “intelligent agents” cannot be said to disclose those elements that Roddy also fails to disclose, e.g., the claimed customer agent server in communication with a customer maintenance system that extracts from a work order in the customer information maintenance system information which identifies at least items expected to be used during a repair procedure to create an advance demand notice order for those items and which then uses a distributor system, which responds to the receipt of the advance demand notice, to initiate a staging of the items [specified in the work order] within the supply chain, the mere existence of “intelligent agents” in the prior art is not sufficient to support a *prima facie* case of obviousness. Therefore, for the reason that the rejection fails to assert that the existence of “intelligent agents” would lead one of skill in the art to modify Roddy to include the specific claim elements that are plainly missing from Roddy, e.g., all of the elements of the claimed “customer agent server” as well as all of the elements of the claimed “distributor system,” the rejection of the claims must be withdrawn.

Since it has been demonstrated that the disclosure within Roddy is not sufficient to maintain the rejection of claim 1 under 35 U.S.C. § 103, the Applicant has elected not to argue further the fact that Roddy fails to be “prior art” to the subject application for patent. The Applicant, however, reserves the right to further develop this ground of argument on Appeal should such action be necessary. Similarly, since nothing from Yang can be said to disclose, teach, or suggest modifying Roddy to include those claim elements that are clearly missing from Roddy, the Applicant has elected not to argue further the fact that Yang fails to be “prior art” to the subject application for patent. The Applicant, however, reserves the right to further develop this ground of argument on Appeal should such action be necessary.

CONCLUSION

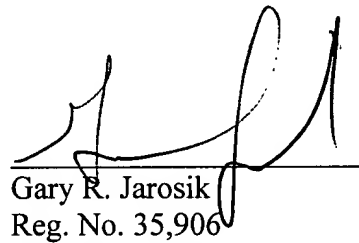
It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

The Commissioner is authorized to charge any fee deficiency or credit overpayment to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

Date: October 4, 2005

By:

A handwritten signature in black ink, appearing to read 'Gary R. Jarosik', is written over a horizontal line.

Gary R. Jarosik  
Reg. No. 35,906  
Greenberg Traurig, LLP  
77 W. Wacker Drive, Suite 2500  
Chicago, Illinois 60601  
(312) 456-8449